Crl. Rev. No. 407/01
(Old No. 895/1996)

Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri Nandan Arya learned A.G.A. and perused the record.

The revision under section 397/401 of the Code of Criminal Procedure (for short 'Code') was preferred against the judgement and order dated 16.3.1996 passed by the Addl. Sessions Judge, Nainital in criminal revision no.45/1992, whereby the order of the learned Magistrate was modified in regard to the grant of maintenance to the wife and minor children under section 125 of the Code.

The revision was preferred on the ground of quantum of maintenance being excessive. The courts below have considered this aspect of the matter in proper perspective and the grant of maintenance to the wife and minor children @ Rs. 200/- per month cannot be said to be on the higher side. Considering this, the revision is devoid of merit and is dismissed. Stay order dated 20.10.1997 is vacated. Consign.

(Irshad Hussain, J.)

Dated 08.06.2004
Rawat